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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,447	12/05/2001	Richard Krikor Yardumian	MOI-741	9648
5514	7590	02/10/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,447	YARDUMIAN ET AL.	
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 8-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 10/12/04 to the application filed on 12/05/01.
2. Claims 1-6, 8-20 are pending in the case. Claim 1 is the independent claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-6, 8-20 remain rejected under 35 U.S.C. 101 because the claimed invention, as amended, is still directed to non-statutory subject matter.

Regarding claims 1-6, 8-20, the XML-based document, as amended, is stored in a computer readable memory medium. Said claimed XML-based document, though stored in a computer readable medium, is not statutory, since the XML-based document as claimed is merely text data stored in a computer readable medium without any functionality and any "acts" being performed. The XML-based document, thus, is not a functional descriptive material with "any functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized" (MPEP 2105).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Takaoka et al., (US Pat Application Publication No. US 2002/00593337 A1, 5/16/02, filed 9/10/01).

Regarding independent claim 1, Takaoda discloses:

- the XML-based document includes text for plural pages as well as page-information text, wherein the page-information text is delimited by page-information element types each defining a byte-location in the XML-based document of the text for respective ones of the plural pages (figures 2B, 3B, [0044], [0049], [0052]-[0054], [0059]: A PAGEINDEX portion (301) in figure 3A holds information that indicates *the position of each page-bitmapped portion of the electronic source documents*. Since bitmap is known as a computer image consisting of an arrangement of bits, position of each page-bitmapped portion of the electronic source document inherently shows a byte-location in the XML-based document)

- the document-resource text that specifies a location pointer in the XML-based document for resources used by pages in the XML-based document ([0056]-[0059], [0060], figure 2B: the INDEX tag mentioned in [0059] is contained in figure 2B which shows a document-resource text that specifies a *location pointer* in the XML-based document for resources used by pages in the XML-based document; the INDEX tag includes the “*idref*” for indicating the id of an electronic source document and “*efilepage*” for indicating a use page number of the electronic source document corresponding to the id where each page in a XML-based document, via a page indicated number, is a location pointed to)

Regarding claim 2, which is dependent on claim 1, Takaoka discloses the page-directory text which includes the page-information text, the page-directory text being delimited by page-directory element types which contain at least one page-information element for each of the plural pages (figure 2A, [0051]-[0054]: document summary includes the page-information text).

Regarding claim 3, which is dependent on claim 2, Takaoka discloses that the directory information text which includes the page-directory text, the directory-information text being delimited by the directory-information types that specify the number of the plural pages and which contains the page-directory elements ([0051]-[0052]).

Regarding claim 4, which is dependent on claim 3, Takaoka discloses the thumbnail-information text that defines a graphic for each of the plural pages, the thumbnail-information text being delimited by the thumbnail-information element types (figures 2B, [0052]).

Regarding claim 5, which is dependent on claim 3, Takaoka discloses the thumbnail-directory text, which includes the thumbnail-information text, which is delimited by the thumbnail-directory element types ([0052], figure 2B).

Regarding claim 6, which is dependent on claim 3, Takaoka discloses the document-attribute text delimited by document-attribute element types and that specify attributes of the document (figure 2B, [0047], [0048]).

Regarding claim 8, which is dependent on claim 7, Takaoka discloses a directory-table list element that includes the document-resource text and at least an indirect reference to the page-information text ([0060], [0055]-[0059]).

Regarding claim 9, which is dependent on claim 8, Takaoka discloses the document-directory-table text delimited by document-directory-table types and that provides location information of the directory-table-list text ([0056]: page index holds information that indicates the position of each page-bit-mapped portion of electronic source documents).

Regarding claim 10, which is dependent on claim 1, Takaoka discloses that the page-information text is included in document-directory information stored in the XML-based document (figure 2B, [0052]-[0058]).

Regarding claim 11, which is dependent on claim 10, Takaoka discloses that the document-directory information is stored at or near the end of the XML-based document (figures 2B and 3A: the page index is stored near the end of the XML-based document).

Regarding claim 12, which is dependent on claim 11, Takaoka discloses a directory-exists element delimited by directory-exists element types, the directory-exists elements directly or indirectly defining the location of the document-directory information, the directory-exists element being located at or near the beginning the XML-based document (figure 2B, [0048]: this portion holds the information of the source documents, located near the beginning of the XML document and indirectly defining the location of the document-directory information of the number of pages included in the document as in [0056]).

Regarding claim 13, which is dependent on claim 1, Takaoka discloses that the XML-based document is comprised of an SVG-based document ([0115], figure 4).

Regarding claim 14, which is dependent on claim 3, Takaoka discloses an authoring tool for an XML-based document according to any one of claims 1-13 ([0004]-[0010], [0060], [0066]).

Regarding claims 15-17, which are dependent on claim 14, Takaoka discloses that the authoring tool is comprised of a printer driver, a stand-alone application, and is a plug-in to another application program ([0148], [0150], 0154], [0155]).

Regarding claim 18, which is dependent on any one of claims 1 to 13, Takaoka discloses a viewer parsing the XML-based document based on a current page being viewed and based on the page-information text, so as to render and display the current page (figure 2B: the XML document including plural pages where each page is defined in the XML codes of the document implies that for the purpose of displaying, the Internet browser should parse the document for the current page or any selected page in the document).

Regarding claims 19 and 20, which are dependent on claim 18, Takaoka discloses that the viewer is comprised of a stand-alone application and the viewer is a plug-in to another application program (figure 2B: it was well known that the Internet browser for browsing the XML document, as mentioned in claim 18, can be a XML-compliant browser, which is a stand-alone application or a Netscape Explorer, which is a plug-in to another application program).

Response to Arguments

7. Applicant's arguments filed 10/12/04 have been fully considered but they are not persuasive.

Applicants argue Takaoka does not describe page-information element types that define a byte-location in the XML-based document (Remarks, page 8).

Examiner respectfully disagrees.

Section [0052] of Takaoka *discloses the page bitmapping information* of an electronic source document. Section [0059] discloses A PAGEINDEX portion (301) in figure 3A holds information that indicates *the position of each page-bitmapped portion of the electronic source documents*. Since bitmap is known as a computer image consisting of an *arrangement of bits*, and a byte is known as eight bits, position of each page-bitmapped portion of the electronic source document inherently shows a byte-location in the XML-based document. In other words, Takaota discloses the page-information element types defining a byte-location in the XML-based document.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walsh et al. (US Pat No. 6,810,429 B1, 10/26/04, filed 2/3/00).

Sesek et al. (US Pat App Pub No. 2003/0076365 A1, 4/24/03, filed 10/18/01).

Hii (US Pat App Pub No. 2002/0163545 A1, 11/7/02, filed 5/1/01).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh
1/24/05

Stephen Hong
STEPHEN HONG
SUPERVISORY PATENT EXAMINER